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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BIOSCIENCE ADVISORS, INC.,

Plaintiff,
v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION, *et al.*,

Defendants.

Civil Action No. 4:21-CV-0866-HSG

**STIPULATION AND ORDER
REQUESTING EXTENSION OF TIME
TO FILE DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT &
MODIFICATION OF OTHER
DEADLINES**

Plaintiff and Defendants ("parties"), by and through undersigned counsel, hereby submit the following Stipulation requesting that the Court enter an order providing for a one-week extension of time for Defendants to file their motion for summary judgment, and a corresponding extension of the deadlines for Plaintiffs' response and Defendants' reply. The parties are not requesting a continuance of the hearing on this motion, which is currently scheduled for July 28, 2022.

In support of this request, the parties state as follows:

1. Pursuant to the Court's March 21, 2022 Scheduling Order, ECF No. 46, Defendants' motion for summary judgment and the corresponding administrative record are currently due on May 17, 2022.

2. Defendants represent that despite working diligently to prepare the administrative record and the motion for summary judgment, Defendants have encountered some delays in

1 drafting the motion for summary judgment due to the variety of claims and the volume of FOIA
 2 requests at issue in this litigation. Accordingly, Defendants requested Plaintiff's consent to stipulate
 3 to a one-week extension of Defendants' deadline to file their motion for summary judgment.
 4 Plaintiff has agreed to Defendants' request as a courtesy.

5 3. The parties have agreed, subject to the Court's approval, that Defendants' deadline
 6 to file their motion for summary judgment should be extended by one week, to May 24, 2022.

7 4. The parties have also agreed, subject to the Court's approval, that Plaintiff's deadline
 8 to file their opposition to Defendants' motion shall be extended to June 22, 2022, and that
 9 Defendants' deadline to file their reply brief shall be extended to July 13, 2022.

10 5. The parties are not presently seeking a continuance of the hearing currently
 11 scheduled for July 28, 2022, at 2:00 PM, *see* Order, ECF No. 53, unless the Court believes that such
 12 continuance is necessary or desirable in light of the requested extensions.

13 6. The parties have not previously sought or received an extension of the deadlines set
 14 out in the Court's March 21, 2022 Scheduling Order.

15 For these reasons, the parties hereby stipulate that, subject to this Court's approval,
 16 Defendants shall file the administrative record and their motion for summary judgment by May 24,
 17 2022; Plaintiff shall file its opposition by June 22, 2022; and Defendants shall file their reply by July
 18 13 2022.

19
 20 IT IS SO STIPULATED THIS 13TH DAY OF MAY 2022:

21 KUNZLER BEAN & ADAMSON, PC

22 /s/ Chad S. Pebrson

Chad S. Pebrson

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25 /s/ Alexandra R. Saslaw

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28
 STIPULATION & ORDER

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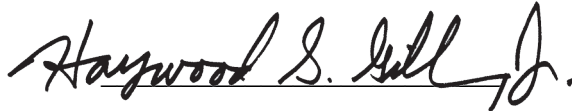
Attorneys for Defendants

ORDER

Pursuant to Stipulation, it is ORDERED that:

1. Defendant shall file the Administrative Record and Motion for Summary Judgment on or before May 24, 2022;
2. Plaintiff shall file its Opposition on or before June 22, 2022; and
3. Defendant shall file its Reply on or before July 13, 2022.

Dated: 5/16/2022



HAYWOOD S. GILLIAM, JR.

United States District Judge

DECLARATION PURSUANT TO LOCAL RULE 5-1(i)(3)

Pursuant to Local Rule 5-1(i)(3), the undersigned filer declares that concurrence in the filing of this document has been obtained from the other signatory to this document.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of May, 2022.

/s/ Alexandra R. Saslaw
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